

Pantelis Michalopoulos
202.429.6494
pmichalo@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

September 27, 2010

Via HAND DELIVERY

Stephen Duall
Policy Branch, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: REQUEST FOR CONFIDENTIAL TREATMENT, Supplemental Information,
Application for Renewal and Extension of Authority to Operate EchoStar 6 at 61.65°
W.L., File No. SAT-MOD-20100720-00164, Call Sign S2232**

Dear Mr. Duall:

EchoStar Corporation (“EchoStar”), pursuant to the provisions of Sections 0.457 and 0.459 of the Commission’s Rules governing submission of confidential materials, 47 C.F.R. §§ 0.457, 0.459, respectfully requests that the above-referenced confidential supplemental filing confidential treatment and not be placed in the Commission’s public files of the above-referenced application – specifically, end of life information regarding the EchoStar 6 satellite. That information is normally withheld from the public. A redacted version of the filing for public inspection is being filed electronically through the International Bureau Filing System (“IBFS”).

It is, moreover, the type of operational and commercial information that is “customarily be guarded from competitors” regardless of whether or not such materials are protected from disclosure by a privilege. *See* 47 C.F.R. § 0.457(d); *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992) (“[W]e conclude that financial or commercial information provided to the Government on a voluntary basis is ‘confidential’ for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.”); *see also DIRECTV, Inc.; Request for Special Temporary Authority to Relocate DIRECTV 3 to 82° W.L. and to Conduct Telemetry, Tracking and Command (“TT&C”) Operations for an Interim Period*, File No. SAT-STA-20030903-00300 (application in which the FCC accepted redacted contract as part of record). Disclosure of the information could result in substantial competitive harm to EchoStar. Notice of this information would allow the competitors

Stephen Duall

REQUEST FOR CONFIDENTIAL TREATMENT

September 27, 2010

Page 2

of EchoStar to counter EchoStar's future use of EchoStar 6. While the unredacted, general information related to the satellite's operations is available to the public, the specific confidential material contained in the filing is not generally revealed. Thus, the confidential material would be the type of commercial information that "would not customarily be released to the public" and should be treated as confidential. EchoStar takes significant measures to ensure that this confidential information is not disclosed. Thus, the Commission should treat the confidential material as confidential under Section 0.457(d).

EchoStar requests that the filing be withheld from disclosure for an indefinite period as disclosure of this information at any time while EchoStar 6 is operational could jeopardize the competitive positions of EchoStar.

Finally, EchoStar notes that a denial of its request that this information be kept confidential would impair the Commission's ability to obtain this type of voluntarily disclosed information in the future. The ability of a government agency to continually obtain confidential information was behind the legislative purpose in developing exemptions from the Freedom of Information Act. *See Critical Mass Energy Project v. NRC*, 975 F.2d 871, 878 (D.C. Cir. 1992) ("Where, however, the information is provided to the Government voluntarily, the presumption is that [the Government's] interest will be threatened by disclosure as the persons whose confidences have been betrayed will, in all likelihood, refuse further cooperation."). The D.C. Circuit has recognized a "private interest in preserving the confidentiality of information that is provided the Government on a voluntary basis." *Id.* at 879. The Commission should extend a similar recognition to the Agreements.

EchoStar requests that the Commission return the filing if its request for confidentiality is denied. *See* 47 C.F.R. § 0.459(e). Please address any questions to the undersigned.

Respectfully submitted,

/s/

Pantelis Michalopoulos
Christopher Bjornson
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036
(202) 429-3000
Counsel for EchoStar Corporation

Enclosure

cc: Andrea Kelly – International Bureau